

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, December 5, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

Council Members present at the beginning of the meeting: Mayor Holly H. Daines, Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, and Councilmember Mark A. Anderson. Administration present: City Attorney Craig Carlston, Finance Director Richard Anderson, and City Recorder Teresa Harris.

Participating by phone: Councilmember Tom Jensen.

Chairman Ernesto López welcomed those present. There were approximately 20 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Logan City Poet Laureate Shanan Ballam provided the opening ceremony and led the audience in the pledge of allegiance.

Ms. Ballam thanked the Council for the opportunity to speak. She survived a massive stroke on January 09, 2022, that left her without speech and the use of the right side of her body. Despite her difficulties, she never quit writing poems and had 12 poems accepted and published. She read two of her written poems at tonight's meeting, "The Owls," and "The Dream."

the owls

*in the nest
we spot them:*

*two baby
great horned owls,
fluffy
and camouflaged*

*to look like
decaying
tree matter*

*huge eyes, flecked
with gold shimmer,
stare out at us*

*a pink
crabapple petal,
thin as tissue
paper,
clings
to my walker*

*loosen
your grip*

*on helplessness
and sorrow*

*the crocus petals
are dusted
with saffron*

*a wash of light
on the ash tree*

*the gold
light shining
in the owls' eyes*

the dream

*the shiny taste
of rain when I inhale*

*love leads
us back to the things
of this world*

*the pink roses unfurl
perfume*

*the moon is a white lily
about to bloom*

*having a stroke erases half
the world half*

*your working
body and your*

voice

*the owl in the willow
is a ghost
it calls to me through the open
night window, calls
to me in my dreams
in smeared colors*

*it sounds
like windchimes*

my lips taste like lilies—

the cold scent of rain on stones—

*a dark curtain embroidered
with light*

*the owl is a prophetess
singing to me in my sleep*

*the owl is a part of the willow tree
is a part of my heart
whispering
you will recover*

fragrance of lilies in a glass vase

*the crabapple tree is dotted
with pearls of rain*

*my lips taste like water
that is: they have no taste*

*the rain has turned to snow
it floats down in swirling spirals*

*like falling
into a dream*

*the windchime speaks
in the voice of god
like a waterfall,
fluid,*

*like the song
of a canyon wren
tumbling down
the canyon*

last night I dreamed

I could walk again

The Council was grateful for and appreciated the poems read by Ms. Ballam and thanked her for attending tonight's meeting.

Meeting Minutes. Minutes of the Council meeting held on November 21, 2023 were reviewed and approved with corrections.

Meeting Agenda. Chairman López announced there are six public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M. Anderson to approve the November 21, 2023, minutes as presented and tonight's agenda. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chairman López announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, January 2, 2024.

The council meeting on December 19, 2023 has been cancelled.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chairman López explained that any person wishing to comment on any item not otherwise on the agenda may address the City Council at this point by stepping to the microphone

and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to respond to outside of the City Council meeting.

There were no comments or questions for the Mayor or Council.

MAYOR/STAFF REPORTS:

Election – Dustin Hansen. Cache County Election Specialist ([11:25](#))

Dustin Hansen, Cache County Election Specialist addressed the Council and stated the Canvas for the General Election was completed. Logan City had a turnout of 28.18%, a total of 5,550 ballots cast. The election was 7% higher than the last municipal election.

Between the candidates in third, fourth, and fifth place, there is a .25% difference which is the legal percentage margin for a recount. All of the ballots have been audited by the State. If a recount is requested, there are seven days from tonight for the candidates to make that request. Once the request is received by the County, the recount will be announced within two days and a recount will be reperformed. There will be another canvas with the final results after the recount is completed.

Councilmember Simmonds requested clarification on who can request a recount.

Mr. Hansen responded that any of the three candidates within the recount margin could make the request within the seven-day time frame. The election data is on the Cache County website, but if there are further questions, he can be reached to go over the data in detail.

Recognition of Councilmember Tom Jensen – Mayor Daines

Mayor Daines recognized outgoing Councilmember Tom Jensen and expressed her appreciation for working with Councilmember Jensen and for his many years of service to the community.

Councilmember Jensen commented that he is grateful for the opportunity to serve on the Council for the last ten years.

Board Reappointment (Cache Valley Transit District) – Mayor Daines

Mayor Daines asked the Council for ratification to appoint Flor Estrada as Logan City's representative on the Cache Valley Transit Board.

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Simmonds to approve ratification of Flor Estrada as presented. Motion carried by roll call vote.

**A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Aye**

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Planning Commission did not hold a meeting so there is nothing to report at this time.

No further Council Business were presented.

ACTION ITEMS:

PUBLIC HEARING – Consideration of a proposed sale and transfer of Commercial property located at 41 North Main Street, commonly referred to as Plaza 45 – Kirk Jensen, Economic Development Director ([18:15](#))

Economic Development Director Kirk Jensen addressed the Council regarding the proposed sale of Plaza 45. The City has intended to sale this property for some time. An RFP (request for a proposal) was issued in January of 2022. However, we are required as a City when dealing with a significant piece of property to hold a public hearing to allow the Council and public to offer thoughts or feelings in that regard. The City has received multiple letters of intent/offers. As the Mayor reviews the offers, the decision of a potential buyer for Plaza 45 will be announced.

City – Points of Emphasis:

1. Repurposing Plan: with particular emphasis on the proposed restaurant and/or other food uses for the ground floor, as well as the timing of completing the tenant improvements and start-up of operations.
2. Purchase Price – if the price is met.

Councilmember Simmonds asked if Plaza 45 is being proposed separately or together.

Mr. Jensen responded the plaza will be sold together as they sit on one parcel.

Councilmember Simmonds inquired upon the sale of the plaza and if the funds generated would go back into the RDA.

Mr. Jensen confirmed that would be the case. The revenue generated from the sale of the plaza will return to the RDA.

Chairman López opened the meeting to a public hearing.

There were no comments and Chairman López closed the public hearing.

Vice Chair A. Anderson remarked the intent of the City was not to hold onto the property and to sell it in the future.

Mayor Daines echoed the remark of Vice Chair A. Anderson and stated that the private sector will do a much better job of managing the property than the City. The hope and intent are for a transaction to occur once there is an appropriate buyer and an agreement in place.

No action is required by the Council other than to hold a public hearing on the sale of property.

PUBLIC HEARING – Consideration of a proposed sale of real property owned by the City of Logan located at 76 East 200 North in Logan, Utah. Commonly known as Logan Fire Station 70 consisting of approximately .75 acres – Craig Carlston, City Attorney ([23:56](#))

City Attorney Craig Carlston addressed the Council regarding the proposed sale of Logan Fire Station 70. The new fire station will be completed in January/February 2024. The parking area within the fence line will be sold along with the current/former fire station located at 76 East 200 North. The remaining portion of the parking lot will remain public.

Vice Chair A. Anderson requested confirmation that only the parking within the fence line will be sold.

Mr. Carlston confirmed that is correct, the parking area to be sold with the fire station will only be a portion of the parking lot within the fence line. The remainder of the parking lot will remain for public use.

Councilmember Simmonds said one of the reasons the new fire station was built is because it was determined the old fire station was not earthquake suitable. What is the City's position in terms of selling the property.

Mr. Carlston replied the property is sold as is in the process of a sale. The City can sell a property in its current state and the buyer will be aware of the circumstances.

Councilmember Jensen further explained the term 'not suitable' in terms of a fire station or any building that is of a vital nature will have a much higher building structure requirement than a normal office building. It does not mean the building is unsafe, but simply it does not meet the standards per the State code for a fire station.

Chairman López opened the meeting to a public hearing.

Paul Campbell, a resident of Logan and pastor of Gospel East Church addressed the Council. He stated that his congregation currently meets at the Whittier Center, but they are outgrowing that location. He stated that on behalf of their organization, he expressed interest in acquiring the fire station. His congregation wants to continue to serve the community and give the building a facelift. They also hope to open a counseling center at the same location.

There were no further comments and Chairman López closed the public hearing.

No action is required by the Council other than to hold a public hearing on the sale of property.

PUBLIC HEARING - Consideration of a proposed resolution of the City of Logan approving the Program Year 2022 (PY2022) Consolidated Annual Performance and Evaluation Report (CAPER) in accordance with the entitlement community requirements of the U.S. Department of Housing and Urban Development (HUD) for the receipt of Community Development Block Grant (CDBG) Funds – Resolution 23-50 – Amanda Pearce, CDBG Coordinator ([31:20](#))

At the November 21, 2023 Council meeting, Planner Russ Holley addressed the Council regarding the proposed resolution.

Logan City's Consolidated Annual Performance and Evaluation Report (CAPER) covers the progress Logan has accomplished in carrying out the City's CDBG Program Year 2022 (PY22) Annual Action Plan (AAP). This is the fourth year of the five-year consolidated plan.

The main objectives of the consolidated Plan and the 2022 AAP are: to invest in infrastructure projects in neighborhoods with eligible low/moderate income (LMI) areas (40%). Invest in remediation of access and mobility barriers in all neighborhoods (10%). Sustain community needs that support LMI residents of Logan (30%), (20% - public facility, 10% - public services).

As a small entitlement community, Logan City received \$553,670 in CDBG funds for PY22. The AAP for PY22 is the fourth Annual Action Plan for the Five-Year Consolidated Plan (2019-2023).

During PY22 there was one completed public facility project, the 2021 Whittier Center Playground Floor. The 2022 Whittier Center Exterior Paint project carried over into the project year 2023 and will be included in next year's CAPER.

The projects completed during the 2022 project year include the PY17 West Willow Park Accessibility Improvements, PY21 Whittier Center Playground Floor, and PY21 600 E 500-700 N Sidewalk, all of which were completed in LMI areas and benefited a total of 18,580 residents.

During PY22, total costs were \$110,077.11 for 2022 (19.88%). We spent a total of \$88,997.31 on CDBG administrative expenses and \$21,079.80 towards the new 2024-2028 Conplan.

Amanda Pearce, CDBG Coordinator summarized the Consolidated Annual Performance & Evaluation Report (CAPER) of the City's 2022 Annual Action Plan (APP), a part of their five-year consolidated plan.

Chairman López opened the meeting to a public hearing.

There were no comments and Chairman López closed the public hearing.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember M. Anderson to approve Resolution 23-50 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - REZONE – Consideration of a proposed ordinance for a rezone of approximately 2 acres comprised of eight (8) parcels located on both sides of 100 North between 100 and 200 East – Ordinance 23-35 – Russ Holley, Planner [\(36:16\)](#)

At the November 21, 2023 Council meeting, Planner Tanya Rice addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation of **Denial** to the Municipal Council for a rezone of approximately 2 acres comprised of eight (8) parcels located on both sides of 100 North between 100 and 200 East, specifically: TIN #06-067-0004, -0005, - 0007, -0008, 0020, -0021, -0022 and -0033.

Land use adjoining the subject properties:

<i>North:</i>	TC-2 COM Uses	<i>East:</i>	TC-2 and NR-6 Residential Uses
<i>South:</i>	TC-2 COM and Residential Uses	<i>West:</i>	TC-2 COM and Residential Uses

Request

On behalf of seven property owners along 100 North between 100 East to the canal, the applicant is requesting to rezone eight (8) properties from Town Center 2 (TC-2) to Traditional Neighborhood Residential (NR-6). The proposal includes four parcels on the south side of 100 North (combined 1.04 acres, Wilson Neighborhood), and four parcels on the north side of 100 North (combined 1.08 acres, Adams neighborhood) totaling just over 2 acres. Two (2) parcels are vacant lots, one home is a grandfathered triplex, and five properties are single-family homes, all in the historic district.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008 designates this project area in the Town Center District (TC). The General Plan states that the intent of this district is to support and complement Logan’s downtown, where the area contains the majority of the community’s historic and cultural resources. The TC district extends approximately two blocks east and west of Main Street, and from 400 North to 200 South. The TC district is designated as “the central hub for both Logan and Cache Valley, and will have a mix of retail, office, residential, and civic uses. The residential Density in the TC district ranges from 0-30 dwelling units per acre. The subject parcels are surrounded by the TC designation. The nearest Detached Residential are located east of 200 East (yellow on FLUP).

Adams Neighborhood Plan

The Adams Neighborhood Plan was adopted in 2013 and outlines goals and recommendations to ensure and promote a strong sense of community specific to the Adams neighborhood. Goals related to zoning, land use and housing aim to carefully integrate and develop a mix of housing and commercial uses within both the Mixed-Use and Town Center zones in order to create additional housing opportunities outside of the Adams core residential neighborhood. The Plan also aims to protect the unique design and architecture characteristics of the existing housing stock and promote the appropriate preservation of historic structures that showcase the unique historic character of Logan City.

Land Development Code (LDC) - Zoning

The current zoning district is Town Center 2 (TC-2), which encourages dense residential development in the downtown area within a compact, walkable urban form. A mixture of uses are encouraged but not required. The TC-2 zone is distinguished from the TC-1 zone in terms of the scale, use and intensity of new development in the blocks immediately West or East of Main Street and is considered the outer core of downtown Logan. This zone allows a density of up of to 30 units per acre along with a mixture of commercial uses. The City went through a deliberate and robust process to redefine the Town Center

zoning districts which culminated in the adoption of Ordinance No. 18-07. This year-long zoning process established TC-2 in this area as a way to buffer the residential neighborhoods further east from the development intensities of TC-1 just west. The goal of the zoning strategy adopted in 2018 was to further implement the visions expressed in the General Plan through a methodical transition of uses and structure. Changing the zoning from TC-2 to NR-6 is contrary to the zoning action taken in Ordinance No. 18-07.

Neighboring Land Uses

The surrounding developments along the same block of 100 North are a mixture of small business offices, multi-family structures, and a residential group home. Further east the land uses are comprised of a mixture of residential, while to the west, the land uses are comprised of commercial uses.

Historic District and Design Standards

The Logan Center Street Historic District is comprised of a wide variety of commercial, residential, and institutional structures built in the early 1900's and exemplify the history and settlement of Logan. Logan City values the preservation of historic structures as seen in the historic district design standards in place for buildings within the District. All project proposals in the District are evaluated for compliance with the adopted Historic District Design Standards, while most exterior construction, demolition and restoration projects are required to obtain a "Certificate of Appropriateness" from the Historic Preservation Committee.

Rezone

The applicant is requesting a rezone of eight parcels from TC-2 to NR-6 on behalf of seven parcel owners. In the NR-6 zone, the Land Development Code (LDC) permits single-family residential dwellings with minimum lot sizes of 6,000 square feet and a maximum gross density of six units/acre. The proposed zoning would permit one SFR while the existing TC-2 zone would allow a mixture of residential and commercial uses, with a maximum residential occupancy of 30 units/acre.

Staff Summary

Seven of the eight parcels requested in this rezone are along 100 North and one parcel is a vacant infill lot. Five of the parcels in the proposal are owner occupied historic single-family.

On November 9, 2023, the Planning Commission recommended the Municipal Council to **deny** the 100 North Historic Project Area Rezone. **Planning Commissioners vote (6-0). Vote to recommend deny - Yea:** Heare, Guth, Doutre, Lucero, Croshaw, Peterson

Councilmember Simmonds stated at the November 21, 2023 council meeting that she was a proponent of the project and would recuse herself from the discussion.

Russ Holley, City Planner summarized the proposed ordinance explaining the intent and reason for the Planning Commission's denial of the rezone.

Councilmember Jensen asked if the properties in question are considered to be of exceptional character, and if they were then why the City would make it easier for these homes to be converted to commercial.

Mr. Holley responded the homes are rated high by the HPC (Historic Preservation Committee) with a rating of A and B. The properties in question are currently zoned commercial and have been for decades. The HPC is charged with maintaining that character with any new use or new development proposed.

Councilmember Jensen expressed concern that if the area is considered exceptional, then the area should be further preserved.

Mr. Holley stated that the downtown as a whole and considering population growth eventually a single-family home may not be appropriate in an urban downtown. There are natural exceptions, but generally speaking, the downtown is a more urban, dense building type topology vs. single-family homes. If the downzone is successful, it may delay the imminent change further. However, inevitably someday in the future, the downtown will grow to a point where the pressure of growth will require a redevelopment in this area.

Councilmember M. Anderson inquired what is the current market for the homes in question.

Mr. Holley is uncertain of their market value, but one of the properties is on the market.

Councilmember M. Anderson commented that it would be very expensive to remodel some of these old homes. It may be difficult for a home buyer to do so, but more feasible for a business to do so and retain the historic nature of the building. What is the objective to keep the area as single-family homes or preserve the homes.

Mr. Holley said the objective would be the latter to preserve the historic homes. A development that preserves the front façade and adds on to the back such a mixed-use development. The TC-2 zone is not a zone where single-family homes are built, rather it is a zone that encourages commercial, mixed-use, and multi-family.

Chairman López asked in theory the HPC could prevent a demolition or change to a commercial development.

Mr. Holley answered the HPC can strongly discourage such an action but when push comes to shove, a property owner can demolish their property regardless of the grading set by the HPC which is a State property right. The higher the grade comes with a requirement to provide levels of documentation.

Chairman López inquired what is the penalty or consequences of doing so.

Mr. Holley explained there is no penalty, but there is a requirement to go through the HPC process. The HPC based on the property and the grading will strongly discourage that to occur. There is also a checklist that the property owner has to go through. One of the requirements is that the property homeowner explore all options including keeping the structure and remodeling before demolition. At the end of the day, the HPC cannot deny a demolition permit. The HPC can strongly recommend against demolition, yet as long as the required checklist is completed the property owner may proceed.

Councilmember M. Anderson repeated his initial statement of what is the objective.

Mr. Holley responded if the intent is to keep as single-family homes, then the land use plan may need to be reviewed. If the intent is to preserve the property, then maintaining the status quo would be best to continue to maintain the value of the property.

Chairman López opened the meeting to a public hearing.

Reed Bolam, a resident of Logan asked what the value of a pause button would be. The request is a change to the zoning map not the Future Land Use Plan (FLUP). It is unlikely for a restaurant to go into any of the locations as close as it is to the Tabernacle. The houses referenced in the Adams neighborhood are of a historical nature and should be preserved in the general plan as well. The desire is an open and transparent process if the homes in the Adams neighborhood transition to TC-2 in the future. Where the community and the neighbors can ensure that any proposed project values of preservation of historic structures as outlined in the historic standards. The request is transparency and the ability to evaluate future development.

There were no further comments and Chairman López closed the public hearing.

Vice Chair A. Anderson asked how long the area has been zoned as commercial.

Mr. Holley answered the north side of the block has been commercial since the 1950's and the south end since the 1980's. The existing homes are legally nonconforming structures.

Vice Chair A. Anderson referenced the earlier comment made by Councilmember M. Anderson of what is the objective. The idea of an overlay is to add an extra step in the approval process to ensure it is in the best interest of the City and the neighborhood. Yet the area has been zoned commercial since the 1950's and is not in favor of downzoning an area that has been commercial for decades.

Councilmember M. Anderson agreed with Vice Chair A. Anderson's statement. There are other alternatives that can be done to preserve the area rather than changing the zone.

Chairman López requested verbal confirmation that the Planning Commission recommended a denial of the proposed rezone.

Mr. Holley confirmed the denial of the proposed rezone by the Planning Commission with a 6:0, unanimous vote.

Vice Chair A. Anderson asked if the entire block of that area is commercial along 200 North.

Mr. Holley replied that 80% of both blocks are zoned TC-2 and use-wise it is close to that aside from the above-mentioned 8 properties which are single-family residences. Parts of the block are multi-family with the exception of two commercial properties. The long-range plan is for TC to reach up to 200 North.

Vice Chair A. Anderson said if the zone is changed then none of the 8 parcels can be commercial and the intent is not to create spot zones. However, if in the future one of the parcels wanted to change, they would have to come in to request a rezone.

Mr. Holley agreed that is the intent not to create spot zones and should a parcel desire to change back in the future, the property owner would have to request a rezone.

Councilmember Jensen asked if there is a way for the City to recognize the value of certain areas of the city. He is in favor of the proposal to further preserve these 8 residences.

Vice Chair A. Anderson asked what the area west of Center Street is zoned.

Mr. Holley answered past the school district building, the area is zoned residential, NR-6 with HPC overlay from 100 West to 600 West. Though there is some TC-2 west of main street and the area between main and 100 West.

Councilmember M. Anderson expressed reservations about changing the zone lest the value of the home go down as a result.

Vice Chair A. Anderson is in favor of continuing the ordinance.

Councilmember M. Anderson agreed with Vice Chair A. Anderson and said if there is no rush for a vote, he is in favor of a continuance to the January 16, 2024 Council meeting as an action item and no public hearing.

ACTION. Motion by Councilmember M. Anderson seconded by Vice Chair A. Anderson to continue Ordinance 23-35 to the January 16, 2024 Council meeting as presented. Motion carried by roll call vote.

A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Abstained

PUBLIC HEARING - REZONE – Consideration of a proposed ordinance for a rezone of approximately 2.03 acres of property located at 1950 North (Auto Mall Drive) 200 West (Vacant northeast corner of intersection) from Commercial (COM) to Public (PUB) – Ordinance 23-36 – Russ Holley, Planner ([1:12:15](#))

At the November 21, 2023 Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation to the Municipal Council for a rezone of approximately 2.03 acres of property located at approximately 1950 North (Auto Mall Drive) 200 West (Vacant NE Corner of Intersection) (TIN# 04-080-0044) from Commercial (COM) to Public (PUB).

Land use adjoining the subject property

<i>North:</i>	North Logan City - Vacant	<i>East:</i>	COM: Commercial Uses
<i>South:</i>	COM: Vacant	<i>West:</i>	NR-6: Vacant (Res. Nearby)

PROJECT

The proponent is requesting to rezone a vacant 2.03-acre lot from Commercial (COM) to Public (PUB) with the intention to develop a Mental Health Crisis Receiving Center for the Bear River/Northern Utah area (Box Elder, Cache, and Rich Counties). Funding from the State of Utah has been secured for the development of this regional facility. This is a request to determine if this is the right location. A receiving center is a community facility open 24/7 and staffed by therapists, nurses, and counselors to provide treatment for individuals in mental health or substance abuse crises. Receiving centers are non-refusal and will accept anyone for assessment, no matter their crisis. If successfully Rezoned, the applicant will subsequently apply for a Design Review and Conditional Use Permit for site and project design approvals.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, office, service, and hospitality businesses that provide employment commercial goods and services to city-wide and regional populations.

The Public (PUB) designation is reserved for lands on which public facilities will be located. This designation typically includes schools, government offices, public facilities, emergency services, and other similar public developments.

Public Zoning

The Logan City Land Development Code (LDC) entitles property within the PUB zoning district to a mix of development patterns and building designs containing a range of either public or non-profit uses. Typically, with larger setbacks, lower building heights, and generous landscaping and parking requirements, PUB developments tend to look more suburban in character. Receiving Centers are required to obtain a Conditional Use Permit in the PUB zoning district prior to construction.

SUMMARY

When "Receiving Centers" were recently added to Logan City's land use table, the Council intentionally decided that the PUB zone would be the only zone to Conditional Permit this land use. They wanted the ability to ensure the public was involved in most facets of a decision to locate a Receiving Center somewhere in Logan to help determine a site's appropriateness and compatibility. Being a relatively new land use in Utah, with the 2019 Davis County Center being one of the first to be established, it may be difficult for decision-makers to extensively understand the impacts associated with these facilities. Given the proximity to NR-6 zoned areas to the west, decision-makers should consider the possible impacts to residential land uses. Decision makers should also consider the loss of commercially zoned property adjacent to two existing car dealerships which limits their future expansion, as well as the compatibility of the entire range of uses in the Public Zone with adjacent properties. Based on the City's projected growth models, the currently vacant surrounding properties will likely develop into a mix of commercial and residential uses in the coming years. Being opened 24/7, possible noise and late-night impacts may be associated with the Receiving Center land use. Both the Commission and the Council should consider location and impacts prior to making a decision to rezone.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report no comments have been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 10/28/23, posted on the City's website and the Utah Public Meeting website on 10/30/23, and mailed out to adjacent property owners within 300' on 10/23/23.

RECOMMENDED FINDINGS

The Planning Commission bases its decision on the following findings supported in the administrative record for this project:

1. The PUB zone is not factored into FLUP and General Plan growth models as these uses and facilities are difficult to predict when and where the appropriate locations should be.
2. Most of the surrounding existing land uses to the east are commercial in nature. The areas to the west are currently being developed with single family residential uses.
3. The Conditional Use Permit process will ensure negative impact associated with the use a properly mitigated.

On November 9, 2023, the Planning Commission recommended to the Municipal Council **approval** of the Bear River Mental Health Crisis Receiving Center Rezone from COM to PUB. **Planning Commissioners vote (6-0):**

Mr. Holley summarized the purpose and intent of a receiving center.

Chairman López opened the meeting to a public hearing.

Beth Smith, Director of the Bear River Mental Health, thanked the Council for the opportunity to speak. She said the receiving center is completely funded by the State of Utah. The Governor has listed the program specifically in his budget. The State is looking to Cache County to get the program up and rolling. She encouraged the Council to vote in favor of the proposal.

Mayor Daines remarked it would be an asset for the tri-county area and expressed her appreciation for the efforts Bear River Mental Health has made.

Ms. Smith said it has been difficult to find appropriate real estate that fits their criteria despite having the funds since August.

Councilmember M. Anderson asked if there is room for expansion.

Ms. Smith answered there would be room for expansion on the property.

The Council expressed their gratitude and appreciation for all that Bear River Mental Health does.

Tim Frost, Clinical Director of Bear River Mental Health said that during the pandemic, depression, anxiety, and other mental health issues rose from 20% of the population to 28%. This is one in every four individuals. The receiving center will be a location to get immediate help without having to worry about going to the hospital and incurring in some cases significant financial expense or even being incarcerated. This is a place to be safe and immediately receive help with a mental health or substance use crisis. This will allow those using the receiving center to remain in the community and get the help needed before returning to their place of residence.

David Zook, Cache County Executive and a resident of Logan echoed the sentiment of the Bear River Mental Health staff and emphasized the critical need for crisis mental health services in the county. The State and the region have a higher rate of suicide and would greatly be supported by the services provided at a receiving center. In learning about receiving centers, he toured seven other centers across the State in order to learn how to implement a receiving center in the county. The positive impact of a receiving center alleviates the pressure on the emergency room and jails. It offers individuals immediate high-level care, which is critical in these types of situations. He thanked the Council and staff for their support in the process.

There were no further comments and Chairman López closed the public hearing.

Councilmember Jensen asked if there is any reason why a receiving center should not be near a detached residential zone and if there is any potential harm to the public if the receiving center is located in the proposed area.

Vice Chair A. Anderson said after speaking to staff from Bear River Mental Health, she has no concerns about the proximity of a receiving center being near an NR-6 zone.

Chairman López said several other properties were being considered in the valley for the receiving center, why this property over the rest.

Ms. Smith responded that the first property at 600 West was sold out from under them. The owner offered to sell the other half, but half of the building would not have accommodated the size for the needed facilities as well as a need to change the zoning. An offer was made next to the property by the bishop's storehouse but that offer expired, and the owner accepted an offer from another buyer. An offer was made on property located on 1000 West but once again the offer expired due to the personal circumstances of the owner. The 1000 West location was noisy, and the staff did not know if they could properly mitigate sound in the facility.

An offer on property further south of the proposed property was also made. The offer expired, and the owner increased the price for a higher bid. An offer was not made for property near the south Walmart as it was out of their budget. Property by the hotel near the highway was available, but it was not the correct size for the facility and not an ideal location. The current proposed property is two blocks away from a bus stop, five minutes from the mobile crisis outreach team, less than five minutes away from the hospital, and less than ten minutes from the outpatient facility. It has quick access to 1000 West toward the jail and Box Elder. The location is quiet and is an excellent area for the purpose.

ACTION. Motion by Councilmember M. Anderson seconded by Vice Chair A. Anderson to adopt Ordinance 23-36 as presented. Motion carried by roll call vote.

A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Aye

PUBLIC HEARING - Budget Adjustments FY 2023-2024 appropriating: \$161,253 fire wildland reimbursements received; \$29,119 fire wildland reimbursements received (Emergency Medical Services); \$1,854,702 funds toward the order and purchase of a new ladder truck – Resolution 23-52 – Richard Anderson ([1:31:21](#))

At the November 21, 2023 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed resolution.

Councilmember Simmonds requested confirmation that the ladder truck will arrive three to four years from now.

Mr. Anderson answered that is the estimated arrival date.

Councilmember Simmonds asked if the funds for the ladder truck were from the general fund or funds set aside for capital projects.

Mr. Anderson responded these are general funds from the capital equipment fund. Funds are set aside each year and accumulate for later usage to purchase equipment as needed. Chairman López opened the meeting to a public hearing.

There were no comments and Chairman López closed the public hearing.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to approve Resolution 23-52 as presented. Motion carried by roll call vote.

A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Aye

WORKSHOP ITEMS:

Budget Adjustments FY 2023-2024 appropriating: \$9,620 for Police Department forfeitures toward the replacement of equipment and training – Resolution 23-53 – Richard Anderson ([1:34:55](#))

Finance Director Richard Anderson addressed the Council regarding the proposed resolution.

Councilmember Simmonds asked if the forfeitures were cash or items.

Mr. Anderson replied that a forfeiture can be cash or items. In this instance, it was items, firearms to be precise, sold through a qualified buyer.

The proposed resolution will be an action item and public hearing at the January 2, 2024, Council meeting.

Consideration of a proposed resolution approving the agreement for the UAMPS Payson Power Project – Resolution 23-54 – Mark Montgomery, Light & Power Director (1:37:15)

Light & Power Director Mark Montgomery addressed the Council regarding the proposed resolution. The resolution is to certify that the City is selling energy for a qualified use.

Logan City is a member of Utah Associated Municipal Power Systems (“UAMPS”) and is a participant in the Payson Power Project. UAMPS proposed to enter into a Commodity Supply Contract (a prepaid contract) with Southeast Energy Authority to purchase a portion of the natural gas necessary for the operation of the project at a price that reflects a discount from the current contract price of natural gas for the project being paid by UAMPS, and that the savings from such discount (roughly 8%) will be applied by UAMPS for the benefit of the participants in the project based on their respective entitlement shares for the next thirty years.

Councilmember Simmonds asked who the buyer purchases energy from.

Mr. Montgomery answered the energy purchased is from the City/UAMPS. UAMPS assigns the existing power purchasing agreements, which reassigns to other entities, and which entities resell the energy to us at a discounted price. The energy and funds are funneled through Southeast Energy.

Vice Chair A. Anderson requested Mr. Montgomery provide a visual diagram or provide a further detailed explanation at the January 2, 2024 public hearing of the proposed resolution.

Mr. Montgomery agreed to provide a more ample explanation at the public hearing.

Mr. Anderson stated the important concept to remember is that the City is agreeing to use the power for qualifying purposes, which we would do anyway. All the complexity, liability, and risk will be assumed by UAMPS.

Councilmember Simmonds inquired what is a non-qualified use.

Mr. Anderson gave an example of selling energy to USU at wholesale.

Mr. Montgomery further explained the City is a retail seller not a wholesale seller per the State tax code.

Councilmember Jensen asked in three words or less what is the advantage of this process.

Mr. Montgomery responded to save money and energy costs at a lower price.

Councilmember M. Anderson inquired if the discount is fixed at 8%.

Mr. Montgomery explained that the discount percentage is not fixed, it can shift depending on the market. Regardless, there are still significant savings through the process.

Vice Chair A. Anderson requested confirmation that it is a thirty-year agreement.

Mr. Montgomery confirmed that the agreement is for thirty years.

Chairman López asked if there were any mitigating circumstances where there would not be a discount but rather the opposite of that for the City.

Mr. Montgomery replied he cannot confirm that it won't ever happen as anything can occur in a financial market. The reason all the parties enter into these agreements is because all parties make money doing it. If there was a high risk associated, the parties would not enter nor participate in such an agreement.

The proposed resolution will be an action item and public hearing at the January 2, 2024, Council meeting.

OTHER CONSIDERATIONS:

Councilmember Simmonds commented on the previous rezone discussion and decision which she abstained from. She approved of the discussion and the concerns that were brought forward by members of the Council.

Vice Chair A. Anderson echoed Mayor Daines' comment and thanked Councilmember Jensen for his years of service on the Council and all that he has done for the community and the City.

Councilmember Jensen commented that he is grateful and appreciative of being able to serve on the Council for the last 10 years. He said it has been marvelous and hoped to continue to participate as a citizen.

The Council said they look forward to seeing Councilmember Jensen again in person.

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:18 p.m.

Esli Morales, Deputy City Recorder